

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIM. CASE NO. 11-20314

v.

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

JOHN BRAVATA and
ANTONIO BRAVATA,

Defendants.

/

- (1) ORDER PERMITTING USE OF VIDEOTAPE OF DEFENDANT
ANTONIO BRAVATA'S SALES PITCH TO POTENTIAL INVESTORS
IN OPENING STATEMENT**
- (2) ORDER PERMITTING USE OF "SNIPPETS" OF VIDEOTAPE SALES
PRESENTATIONS OF DEFENDANTS JOHN AND ANTONIO BRAVATA
IN OPENING STATEMENT**

The Court concludes that these videotape presentations are permissible under FRE 102 which provides for the District Judge to administer the trial Rules of Evidence to eliminate unjustifiable delay, to the end of ascertaining the truth and to secure a just determination.

The Court notes that it will, prior to the opening statement, caution the jurors that opening statements are not evidence. This will avoid some of the Defendants concerns as to completeness or context of the videotape portions.

Of course, during the trial, Defendants are entitled to introduce the remainder of the

recorded statements, per FRE 106, if, in fairness, the remainder ought to be considered at the same time.

SO ORDERED.

DATED: 1-24-13



PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE